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FACEBOOK, INC. and MARK ZUCKERBERG

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FACEBOOK, INC. and MARK ZUCKERBERG, Plaintiffs, v. CONNECTU, INC. (formerly known as CONNECTU, LLC), CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA AND DOES 1-25, Defendants.	Case No. 5:07-CV-01389-RS **DECLARATION OF MONTE M. F. COOPER IN SUPPORT OF FACEBOOK'S REPLY IN SUPPORT OF MOTION FOR SANCTIONS**

Dockets.Justia.com

I, Monte Cooper, declare as follows:

1. I am Of Counsel at the law firm of Orrick, Herrington & Sutcliffe, counsel for Plaintiffs Facebook, Inc. and Mark Zuckerberg in this action, and a member of the Bars of the states of California and Colorado. I make this declaration in support of Plaintiffs' Reply in Support of Motion for Evidentiary and Related Sanctions ConnectU, Inc., Cameron Winklevoss, Tyler Winklevoss, Divya Narendra and Their Counsel ("Plaintiff's Reply"). I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the Declaration of Scott R. Mosko in Support of Defendants' Opposition to Plaintiff Facebook, Inc.'s Motion to Compel Supplemental Responses and Production of Documents in Response to its First Sets of Special Interrogatories and Requests for Production; and Defendants' Request for Sanctions, filed in the Superior Court of the State of California on February 3, 2006.

3. Attached hereto as **Exhibit 2** is a true and correct copy of Defendants' Opposition to Plaintiff Facebook, Inc.'s Motion to Compel Supplemental Responses and Production of Documents in Response to its First Sets of Special Interrogatories and Request for Production; and Defendants" Request for Sanctions, filed in the Superior Court of the State of California on February 3, 2006.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Response and Objections of Defendant Divya Narendra to Plaintiffs First Set of Special Interrogatories (Nos 1-23); Response of Defendant ConnectU LLC to Plaintiffs First Set of Special Interrogatories (1-23); Response and Objections of Defendant Cameron Winklevoss to Plaintiffs First Set of Special Interrogatories (Nos 1-23); Response and Objections of Defendant Tyler Winklevoss to Plaintiffs First Set of Special Interrogatories (Nos 1-23), served on December 5, 2005.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the Declaration of Robert D. Nagel in Support of Facebook, Inc.'s Opposition to Defendants' Motion to Quash Service of Complaint and Summons for Lack of Personal Jurisdiction as well as Exhibits E, F, and G attached to same, file in the Superior Court of the State of California on May 11, 2006.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the Response of Defendant Divya Narendra to Form Interrogatories, served on October 31, 2005.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the Notice of Newly Identified Authority in Support of Facebook Defendants' Motion to Dismiss, filed in the District Court of Massachusetts, case no. 1:04-CV-11923 (DPW) on April 14, 2006.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 26 day of September, 2007, at Menlo Park, California.

/s/ Monte M. F. Cooper /s/
Monte M. F. Cooper

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on September 26, 2007.

Dated: September 26, 2007.

Respectfully submitted,

/s/ Monte M. F. Cooper /s/
Monte M. F. Cooper

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